

REMARKS

This Supplemental Amendment adds new independent claim 32. This new claim is similar to claim 23 except in two respects: (1) the new claim employs the partially open transitional phrase "consisting essentially of", and (2) the new claim does not require total dissolution of the silica xerogel. Claims 23-32 are pending.

Method claim 32 defines patentable subject matter over U.S. Patent No. 5,591,453 to Ducheyne et al. A feature of the claimed method is release of a biologically active agent by dissolution of a silica xerogel carrier. The partially open transitional phrase "consisting essentially of" clearly distinguishes Ducheyne et al.'s primarily diffusion-based release mechanism. See, for example, Col. 6, lines 15-17 ("In the case of pure silica glass, the release of the biological molecules from the carrier is effected primarily by diffusion through the pore structure"). Ducheyne et al. is also distinguished by the substantially constant release of the biologically active agent feature of the claimed method.

It is believed this application is in condition for allowance. Reconsideration and withdrawal of the rejection of claims 23-28 and 31, and issuance of a Notice of Allowance directed to claims 23-32, are earnestly requested. The Examiner is urged to telephone the

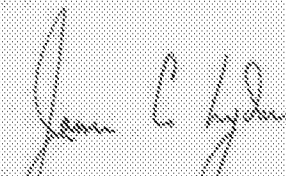
U.S. Appln. S.N. 10/828,351  
SUPPLEMENTAL AMENDMENT

PATENT

undersigned should she believe any further action is required for allowance.

It is not believed any fee is required for entry and consideration of this Supplemental Amendment. Nevertheless, the Commissioner is authorized to charge our Deposit Account No. 50-1258 in the amount of any such required fee.

Respectfully submitted,



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